

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Village of Oconomowoc Lake for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Soo Line Railroad Co. Tracks with Gifford Road in the Village of Oconomowoc Lake, Waukesha County

9150-RX-498

REVISED FINDINGS OF FACT AND ORDER

On August 30, 2000, the Village of Oconomowoc Lake filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossing of the Soo Line Railroad Co. (Soo Line) tracks with Gifford Road in the Village of Oconomowoc Lake, Waukesha County (Crossing No. 390 549F). The Village proposes the installation of a barrier gate. An OCR investigator inspected the crossing. No hearing was held.

On September 25, 2001, the Office of the Commissioner of Railroads (OCR) issued an order that required the installation of new warning devices at the Gifford Road public crossing by October 31, 2002. More specifically, the order required the Soo Line to install a barrier gate on the north side and new standard gate installation on the south side.

Subsequently, both the Village and the Soo Line objected to the order and requested a hearing. The Village objected that the order did not require a barrier gate on the south side. The Soo Line objects to the requirement that it install and maintain the barrier gate.

On February 15, 2002, the OCR issued an amended findings of fact and order that required the Soo Line to install a barrier gate on each side of the crossing. The order also required the Village to construct medians on each approach to the crossing. On February 26, 2002, the Soo Line renewed its request for a hearing. The OCR conducted a prehearing conference in this matter on July 23, 2002.

The Commissioner has now determined that standard 12" LED automatic flashing lights with gates and constant warning time circuitry will adequately protect and promote public safety. The Village is authorized, but not required to install medians or other crossing enhancements on the approaches to the crossing at its own cost. The Village is also required to trim trees within its highway right-of-way to a minimum of 12' above the roadway surface for 200' in advance of the crossing on the south approach (northbound).

Source of Funds: The cost for these warning devices will be funded with high-speed rail funds.

THEREFORE, IT IS ORDERED,

1. That the **Soo Line Railroad Co.** shall install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry with other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with Gifford Road at-grade in the Village of Oconomowoc Lake, Waukesha County by **October 31, 2005** (Crossing No. 390 549F).

2. That the **Soo Line Railroad Co.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

3. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

4. That the **Village of Oconomowoc Lake** shall trim trees to a minimum of 12' above the roadway elevation within its highway right-of-way for 200' down Gifford Road to the south of the crossing by **November 15, 2004**.

5. That the **Soo Line Railroad Co.** shall bear no part of the cost of the crossing signals installation or the median construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

7. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads